

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JUBRIL PECOU and ASHLEY SCHIEFER,
individually and as representatives of a class
of similarly situated persons, and on behalf of
the Bessemer Trust Company 401(k) and
Profit Sharing Plan,

Plaintiffs,

v.

BESSEMER TRUST COMPANY and
PROFIT SHARING PLAN COMMITTEE
OF BESSEMER TRUST COMPANY

Defendants.

Case No. 1:22-cv-01019-MKV

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

Plaintiffs Jubril Pecou and Ashley Schiefer (“Plaintiffs”) respectfully move the Court to:

(1) preliminarily approve the Parties’ Class Action Settlement Agreement in the above-referenced matter; (2) approve the proposed Class Notices and authorize distribution of the Notices to the Settlement Class; (3) preliminarily certify the Settlement Class for settlement purposes; (4) schedule a final approval hearing; and (5) enter the accompanying Preliminary Approval Order.

This motion is made pursuant to Federal Rule of Civil Procedure 23(e) and is based on the accompanying Memorandum of Law and authorities cited therein, the Declaration of Brock J. Specht and exhibits attached thereto (including the Settlement Agreement attached as **Exhibit A**), the Declarations of Jubril Pecou and Ashley Schiefer and exhibits attached thereto, and all files, records, and proceedings in this matter. Defendants do not oppose the motion as parties to the Settlement.

Respectfully Submitted,
Dated: March 10, 2023

NICHOLS KASTER, PLLP

s/ Brock J. Specht

Brock J. Specht, (admitted *pro hac vice*)

Paul J. Lukas, (admitted *pro hac vice*)

Steven J. Eiden, (admitted *pro hac vice*)

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2023 a true and correct copy of the foregoing was served by CM/ECF to the parties registered to the Court's CM/ECF system.

Dated: March 10, 2023

s/ Brock J. Specht
Brock J. Specht